



PIMA COUNTY ATTORNEY'S OFFICE DEFERRED PROSECUTION ANNUAL REPORT FISCAL YEAR 2018/2019

ADULT DIVERSION PROGRAM ORGANIZATION

The program is comprised of ten separate diversion entities:

- Felony Diversion Program
- Felony Drug Diversion Program
- Domestic Violence Diversion Program
- Re-offender Diversion Program
- Misdemeanor Diversion Program
- Alcohol Abuse Diversion Program
- Marijuana and Paraphernalia Diversion Program
- University of Arizona Student Diversion Program
- Tobacco Retailer Diversion Program
- Behavioral Health Court Diversion Program

All diversion programs are post-arraignment and pre-adjudication. Prosecution is suspended for up to two (2) years. A Diversion Specialist reviews the cases and determines if all of the diversion terms have been met. If the defendant completes the diversion terms, the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and criminal prosecution is resumed.

Felony Diversion Program

This program is designed to handle first-time diversion eligible defendants charged with a felony offense. The defendant will be supervised by an Adult Diversion Specialist (Specialist) for a maximum of twenty (20) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling program(s), pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

Felony Drug Diversion Program

This program is designed to handle eligible defendants arrested for first-time felony drug possession charges involving possession of dangerous drugs or narcotic drugs for personal use. After accepting the terms and conditions of the diversion program, the defendants are referred to Community Bridges, Inc. (CBI). CBI screens the defendants for a substance use disorder and determines the appropriate intervention plan/treatment according to their screening results. CBI is monitoring the defendants' treatment compliance and reporting back to the diversion office on a monthly basis or after a significant event. The defendants also have to meet regularly with their assigned Diversion Specialist. A final random substance test is required of each defendant with success dependent upon a negative result for drugs.

Domestic Violence Diversion Program

This program is designed to handle first-time diversion eligible defendants cited for a domestic violence misdemeanor offense. The defendant will be supervised by a Specialist from six (6) to twelve (12) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The defendant will attend programs such as domestic violence counseling and parenting classes as well as pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

Re-offender Diversion Program

This program is designed to handle diversion eligible defendants cited for a second misdemeanor offense. The defendant will be supervised by a Specialist from three (3) to six (6) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling program(s), pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

Misdemeanor Diversion Program

This program is designed to handle first-time diversion eligible defendants cited for a misdemeanor offense. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, program(s) to attend, restitution amount if applicable, and deadlines.

Alcohol Diversion Program (formerly Substance Abuse Diversion Program)

This program was previously entitled Substance Abuse Diversion Program. The title was changed with the removal of marijuana and paraphernalia from this category. This program is designed to handle first-time diversion eligible defendants cited for misdemeanor alcohol offenses. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, program(s) to attend, restitution amount if applicable, and deadlines.

Marijuana and Paraphernalia Diversion Program

This program started May 2017. Prior to May, these two types of charges were previously included in the Substance Abuse Diversion Program. This program is designed to handle first-time diversion eligible defendants cited for misdemeanor possession of marijuana or possession of drug paraphernalia for personal use. The

defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts and referred to Community Bridges, Inc. (CBI), a community service provider specializing in behavioral health and substance use treatment. CBI will screen the defendant for a substance use disorder and determine the appropriate drug intervention plan, which may include an education class (for those not suffering from substance use disorder), outpatient treatment, intensive outpatient treatment, or residential treatment. CBI will monitor their progress and report back to the diversion office.

University of Arizona Student Diversion Program

This program works closely with the University of Arizona Dean of Students Office. It is designed to handle University of Arizona students who are first-time offenders and are cited by the university police department for certain misdemeanor offenses. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts and referred to the Dean of Students Office. The Dean of Students Office will determine the appropriate intervention plan, monitor the student's progress, and report back to the diversion office.

Tobacco Retailer Diversion Program

This program works closely with the Pima County Health Department's Tobacco and Chronic Disease Prevention program. It is designed to handle first-time offenders who are cited for selling tobacco to minors. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, instructions to attend an Arizona Retailer Tobacco Training, and deadlines.

Behavioral Health Court Diversion Program

This program works closely with the Behavioral Health Specialty Court of the Pima County Consolidated Justice Court. Therapeutic service are provided by independent,

outside agencies with professional expertise in the area of service they provide. They are closely monitored by the Justice Court's Behavioral Health Treatment Court.

Program Supervision

Currently, two (2) Specialists supervise the above described diversion programs. Two (2) paralegals and two (2) legal processing support staff members assist the two Specialists. The Program Coordinator oversees the everyday operations of the specialists, paralegals, and legal processing support staff members, and the diversion programs.

FY 2018/2019 Adult Diversion Program Statistics

Year totals all programs combined:

Total number of cases processed:	1,353
Total number of new referrals:	1,101
Total number of successful terminations:	936
Total number of unsuccessful terminations:	223
Total number of cases closed:	1,159
Total number of pending cases:	252
Success Rate:	81%

Year totals for each program:

	Total Closed	Successful	Unsuccessful	Success Rate
Felony Diversion Program:	4	3	1	75%
Felony Drug Diversion Program	207	98	109	47%
Domestic Violence Diversion Program:	143	113	30	79%
Re-offender Diversion Program:	95	67	28	70%
Misdemeanor Diversion Program:	157	149	8	95%
Alcohol Diversion Program:*	113	107	6	95%
Marijuana and Paraphernalia Program:	258	221	37	86%
University of Arizona Student Diversion Program:	111	107	4	96%
Tobacco Retailer Diversion Program:	0	0	0	0%
Behavioral Health Court Diversion Program:	71	71	0	100%

*formerly Substance Abuse Diversion Program

ADULT BAD CHECK PROGRAM

Bad Check Program

The Bad Check Program is a special, prosecutor-led, pre-charge deflection/diversion program implemented pursuant to specific statutory authority. The Bad Check Program has served a total of 9,440 individuals and merchants participating in the program as victims of bad checks. For Fiscal Year 2019, the Bad Check Program processed 203 new bad check referrals and successfully returned \$108,037.15 in restitution to the victims of bad checks. The Bad Check Program continues to be the top program of its kind in the nation and is a pre-indictment program diverting cases from the criminal justice system.

JUVENILE DIVERSION PROGRAM

Community Justice Board Program

The Community Justice Board Program (CJB), a juvenile diversion program operated by the County Attorney in collaboration with community volunteers, holds juvenile offenders accountable and provides early intervention strategies. The CJB Program is a unique, restorative justice alternative to the traditional Juvenile Court process. Currently, there are 97 adult volunteers participating to operate the program. The 18 Community Justice Boards were referred 321 youth in calendar year 2018. Program compliance in 2018 is 94%. The cases referred to the Community Justice Boards are juvenile cases that are not prosecuted. Successful completion and diversion from prosecution saves the county from defense, court and probation costs.

.